

FISCAL NOTE

Bill #: SB0413

Title: Revise MEPA

Primary

Sponsor: Duane Grimes

Status: As introduced

| | | | |
|-------------------|------|-----------------------------|------|
| Sponsor signature | Date | Dave Lewis, Budget Director | Date |
|-------------------|------|-----------------------------|------|

Fiscal Summary

| | <u>FY2000 Difference</u> | <u>FY2001 Difference</u> |
|--|-------------------------------------|-------------------------------------|
| Expenditures: | \$0 | \$0 |
| Revenue: | \$0 | \$0 |
| Net Impact on General Fund Balance: | \$0 | \$0 |

| <u>Yes</u> | <u>No</u> | | <u>Yes</u> | <u>No</u> | |
|-------------------|------------------|----------------------------------|-------------------|------------------|-------------------------------|
| | X | Significant Local Gov. Impact | X | | Technical Concerns |
| | X | Included in the Executive Budget | | X | Significant Long-Term Impacts |

Fiscal Analysis

ASSUMPTIONS:

1. Additional definitions do not significantly affect agency costs. However, these definitions applied to the existing terminology in 75-1-201, MCA, preclude the preparation of an environmental impact statement on proposals for projects, regardless of the scope of the project. This would significantly reduce applicants' expenses for third-party contractor evaluations of proposals having significant environmental impact.
2. Other modifications to the bill provide general direction. 75-1-201(1)(b)(ii), MCA may slightly but not measurably reduce project review costs. 75-1-201(1)(b)(iv), MCA is an editing change that does not affect review costs. 75-1-201(1)(b)(iv)(A), MCA requires an analysis of the cumulative impacts. This is already required in the implementing rules for MEPA and thus project review costs should not be affected.

(continued)

3. The requirement for cooperating agencies to make a determination of significance mirrors the existing EA process and thus no additional workload is expected due to 75-1-201(1)(c), MCA.
4. Transfers of ownership that do not involve any change in type or characteristics of the permitted action typically meet the MEPA rule criteria for ministerial actions. Thus no costs are incurred and no costs would result from this codification.
5. Tiering required in 75-1-201(2), MCA, is the current practice by the agencies, so no change in agency costs would occur.
6. Limitations on litigation outlined in 75-1-201(4)(a), MCA, are generally implemented based on past case law. However, there may be a slight, but likely not quantifiable decrease in agency litigation costs.
7. New Section 3 would slightly increase state bond management workload. However, overall very few contractors are used to complete the limited number of highly visible EIS reviews required under MEPA. Thus no measurable workload increase is anticipated. This workload would be masked by the existing contract management workload for these projects.

FISCAL IMPACT

The impact of this bill to DEQ would be minimal and would be absorbed.

TECHNICAL NOTES:

The term “environmental assessment” is not defined, although it is used in Section 2 of this bill that amends 75-1-201, MCA, by adding subsection (2), and it is used in the ARM.